

**CITY OF CENTRAL, COLORADO
ORDINANCE 13-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL
COLORADO AMENDING ARTICLE V OF CHAPTER 6 OF THE CENTRAL
CITY MUNICIPAL CODE REGARDING GAMING DEVICE FEES**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, the City previously adopted license fees and gaming device fees on gaming devices, as codified in Article V of Chapter 6 of the Central City Municipal Code; and

WHEREAS, the City currently imposes and collects a monthly gaming device fee in the amount of \$22.08 per month (the "Transportation Fee") to fund transportation improvements, including facilities and improvements necessary to provide public transportation services within the City; and

WHEREAS, as authorized by Ordinance 11-16 (the "Prior Ordinance"), the City also imposes and collects a monthly gaming device fee in the amount of \$5.00 per month (the "Marketing Fee") in order to fund certain advertising and marketing costs incurred by the Central City Business Improvement District (the "CCBID"); and

WHEREAS, the Marketing Fee is scheduled to expire on December 31, 2013; and

WHEREAS, as set forth in the Prior Ordinance, the City Council may approve an extension of the Marketing Fee by Ordinance; and

WHEREAS, City Council desires to extend the Marketing Fee in order to fund the continuation of CCBID advertising and marketing efforts during calendar 2014; and

WHEREAS, the City Council and the CCBID have determined that it may be necessary to increase the amount of the marketing device fee during the course of the year based upon the number of devices in order to collect revenues sufficient to pay for the CCBID advertising and marketing efforts;

WHEREAS, the City Council wishes to stipulate that the marketing device fee will fluctuate from a base of \$5.00 per month to a maximum of no more than \$7.00 per month in order to ensure that sufficient revenues will be raised to pay for the CCBID advertising and marketing efforts;

WHEREAS, the City Council desires to amend the gaming device regulations in order to recognize the extension and revision to such gaming device fees;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. Article V of Chapter 6 of the Central City Municipal Code is hereby amended to amend Section 6-540 to read in full as follows:

Section 6-540 Device Fee Imposed.

- (a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City in paying costs for transportation services and improvements that are necessary and as a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2014 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments and the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.
- (b) That portion of the device fee allocated to transportation improvements (the "Transportation Fee") shall be twenty two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the "Marketing Fee") shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2014, unless an extension of the same is approved by Ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty two dollars and eight cents (\$22.08) commencing January 1, 2015.
 - (1) Revenues collected from imposition of the Transportation Fee shall be used exclusively for transportation services and improvements primarily serving the gaming areas that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District (the "CCBID"), and shall not be used for general operating expenses of the City.
 - (2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement

between the City and the CCBID, and shall not be used for general operating expenses of the City.

- (3) The amount of the Marketing Fee shall be determined each month by the Finance Director based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2014. The monthly amount of the Marketing Fee may be specifically identified on the monthly device fee invoice.
- (c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City and the CCBID with providing transportation services and improvements and funding advertising and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council.
- (d) All revenues collected by the City from the Transportation Fee and the Marketing Fee shall be remitted to the CCBID or paid to the CCBID's contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the transportation services and improvements and the joint advertising and marketing efforts to be provided by the CCBID and the responsibilities of the respective entities, or shall otherwise be appropriated and spent by the City as approved by City Council.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 3rd day of December 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk